

**Town of Mount Desert Planning Board
Regular Meeting Minutes
Meeting Room, Town Hall
6:00 PM, May 22, 2019**

Public Present:

Erika Lindquist, Elizabeth Escardo, Tom Benson, Carmen Sanford, Blay Carr

Board Members Present:

Christie Anastasia, Tracy Loftus Keller, David Ashmore, Chairman Bill Hanley, Meredith Randolph

- I. **Call to Order:** Chairman Hanley called the meeting to order. Board Members present were noted.

II. **Approval of Minutes**

April 24, 2019: MS. RANDOLPH MOVED, WITH MR. ASHMORE SECONDING, APPROVAL OF THE APRIL 24, 2019 MINUTES AS PRESENTED. MOTION APPROVED 4-0-1 (ANASTASIA IN ABSTENTION).

May 8, 2019: Chairman Hanley requested a change to Page 3, Line 42 to read "Lumens were not to exceed the requirements under Section 6A.6 of the LUZO".

MR. ASHMORE MOVED, WITH MS. RANDOLPH SECONDING, APPROVAL OF THE MAY 8, 2019 MINUTES AS AMENDED. MOTION APPROVED 5-0.

III. **Conditional Use Approval Application(s):**

A. **Conditional Use Approval Application #003-2019**

OWNER(S) NAME(S): Robert Zelinski

LOCATION: 1251 Main Street, Mount Desert

TAX MAP: 010 **LOT:** 001 **ZONE(S):** Rural Woodland Two (RW2) & Shoreland Residential Two (SR2)

PURPOSE: Section 6B.8 Fences and Walls, exceeding CEO Authority.

SITE INSPECTION: 4:00 PM

Mr. Ashmore confirmed adequate Public Notice, and Abutters were notified.

Ms. Anastasia reported on the site visit. The house is close to the road. Facing the house on the left is a row of trees that appear to be dying due to road salt. To the right of the driveway there are smaller trees that also appear to be dying. Additionally, there is a berm on the property. The area is loud due to traffic on Route 102. The Applicant is requesting to put a fence in front of the trees, and there are stakes marking where the fence will go. There are no angles to the fence. The fence will be six feet in height and made of cedar. It will span both sides of the driveway.

CEO Keene noted the fence is before the Board for Conditional Use due to the Town's six-foot setback requirements from the DOT Right of Way on Route 102. Putting the fence outside the ROW setback would place it just outside the house's front door.

Chairman Hanley asked for public comment.

Owner Elizabeth Escardo noted the setback from the DOT ROW is a Town requirement. The proposed fence placement is acceptable to DOT regulations. The fence will be solid cedar and professionally installed.

No conflict of interest was found.

MS. RANDOLPH MOVED, WITH MR. ASHMORE SECONDING, TO FIND THE APPLICATION COMPLETE. MOTION APPROVED 5-0.

MS. RANDOLPH MOVED, WITH MR. ASHMORE SECONDING, TO USE THE SHORT FORM. MOTION APPROVED 5-0.

MR. ASHMORE MOVED, WITH MS. RANDOLPH SECONDING, TO APPROVE THE APPLICATION.

A review of the Checklist was made and is attached to these Minutes.

MS. KELLER MOVED, WITH MR. ASHMORE SECONDING, ACCEPTANCE OF THE WAIVER FOR THE SIX-FOOT SETBACK REQUIREMENT TO THE DOT RIGHT OF WAY. MOTION APPROVED 5-0.

MOTION TO APPROVE THE APPLICATION APPROVED, 5-0.

CHAIRMAN HANLEY MOVED, WITH MS. RANDOLPH SECONDING, MS. KELLER AS A VOTING MEMBER FOR THIS MEETING. MOTION APPROVED 5-0.

B. Conditional Use Approval Application #004-2019

OWNER(S) NAME(S): Hedgefield Garden, LLC

AGENT: Erika Lindquist

LOCATION: Off Kimball Road, Northeast Harbor

TAX MAP: 024 **LOT(S):** 057-002, 057-003 **ZONE(S):** Village Residential Two (VR2)

PURPOSE: Section 3.4 – Excavation or Filling of >150 cubic yards

SITE INSPECTION: 5:30 PM

Mr. Ashmore confirmed adequate Public Notice and Abutters were notified. No conflict of interest was found. Ms. Anastasia reported on the site visit.

The land is level from the road at the driveway entrance end, and then dips toward the back quarter of property. Houses on abutting property are close to the boundary line. The lot in question is vacant.

Agent for the Applicant Erika Lindquist explained that the project started as just cleaning up some diseased trees and Japanese knotweed on the site. An old foundation was discovered, and the project grew. Ms. Lindquist has a permit for 150 cubic yards of fill. The contractor found a high amount of household debris about two feet below the ground's surface, resulting in more excavation and filling required than expected. Trees are on order to replace those diseased trees removed, and the plan is to fill the area where debris is being removed with loam and seed the area. An old stormwater drain that does not appear to be functional was found. A civil engineer will be brought in to determine what to do with it. The low spot in the back will not be filled in. The area there is wet, but not designated a wetland or vernal pool.

CEO Keene noted that abutter Andrew Barrett called concerned with the work and its effect on surface water on his land. Ms. Lindquist noted the low spot on the property appears to be the natural path for water runoff for neighboring properties and will not be filled in. Mr. Barrett's property is across the street from the property in question and should not be impacted by the work. Chairman Hanley reported he talked with Mr. Barrett and encouraged him to contact the Public Works Department.

Chairman Hanley asked for public comment. There was none.

MS. RANDOLPH MOVED, WITH MR. ASHMORE SECONDING, USING THE SHORT FORM. MOTION APPROVED 5-0.

MS. RANDOLPH MOVED, WITH MR. ASHMORE SECONDING, TO APPROVE THE APPLICATION.

MS. RANDOLPH MOVED, WITH MR. ASHMORE SECONDING, TO FIND THE APPLICATION COMPLETE. MOTION APPROVED 5-0.

A review of the checklist was made and is attached to these Minutes.

MOTION TO APPROVE THE APPLICATION APPROVED 5-0.

IV. Subdivision Approval Application(s):

Sketch Plan:

A. Subdivision Application #001-2019

OWNER(S) NAME(S): Carmen A. Sanford

AGENT: Tom Benson, T.W. Benson Land Surveying, Inc.

LOCATION: 13 Cider Ridge Road, Mount Desert

TAX MAP: 010 **LOT(S):** 011 **ZONE(S):** Rural Woodland 2 (RW2)

PURPOSE: Divide lot from previously approved subdivision – Blaine W. Haynes et als (File 13, Number 76)

SITE INSPECTION: 4:30 PM

Mr. Ashmore confirmed adequate public notice. It was not necessary to notify Abutters.

Chairman Hanley reported on the site visit. The area is off the Cider Ridge Road, part of a former larger subdivision. Within the former subdivision, there is a large parcel between a small lot to the North, and some small parcels to the South. The applicant proposes to divide the large center lot. Pins are set in the ground to show the proposed division.

Agent Tom Benson presented an updated plan which includes a soil test.

CEO Keene noted that Lot One was conveyed in 2001, so it is retroactively being approved now. Lots Two and Three are being approved as well. There have been many amendments and changes to the subdivision over the years. Due to the number of changes, all have been noted on the plan.

It was clarified that this was a Sketch Plan Review.

Mr. Benson brought the old subdivision plans for review in addition to the new. He reported that Greg Johnston has reviewed the road and deemed the standards were met with no additional improvements needed. The road is private. Mr. Johnston's report has not yet been submitted to the Planning Board.

Lots One and Two have houses. Mr. Benson pointed out the current driveway crosses Lot Three. A ROW will be in place over that driveway for the final plan.

It was noted that any wetlands, regardless of whether they are classified protected wetlands or not, should be added to the plan. The dashed boundary lines on the plan are old deed lines for the original lots.

Mr. Benson noted there are septic systems on Lots One and Two and will be shown on the plan for the next meeting. A portion of the septic for Lot One is on Lot Two. Test pits have been made for Lot Three.

CEO Keene noted the Board can waive the requirement that septic must be on the lot in question if they so choose. Any waiver should be mentioned on the plat plan. Discussion ensued regarding how such a waiver should be included.

Mr. Benson agreed to update the plan and get it to CEO Keene for the next meeting.

V. Other

Discussion ensued regarding Ms. Randolph's thoughts on resigning from the Planning Board. After some discussion, it was agreed she would stay till after any outstanding business the Board is currently addressing is concluded.

Discussion ensued regarding the fence at the marina. The permit had conditions on it and the project is not in compliance based on those conditions. CEO Keene noted that Town Manager Lunt forwarded the property owners to the Harbor Committee. Ms. Keene did not know what the Harbor Committee told them. Chairman Hanley was requested to send a letter to the property owner, noting their lack of compliance and consequences. Ms. Randolph suggested a note be added to their file for future Boards.

Ms. Randolph inquired whether the video advertising at the Freshies gas pumps in Somesville could be deemed signage. If so, it was not in compliance with the signage requirements set on the property. CEO Keene suggested Ms. Randolph write a formal complaint and she would forward it to Attorney Hamilton for review.

CEO Keene mentioned business upcoming in future meetings.

V. Adjournment

MS. RANDOLPH MOVED, WITH MR. ASHMORE SECONDING, ADJOURNMENT. MOTION APPROVED 5-0.

The Meeting adjourned at 7:47PM.